

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:05cr173.8
	§	(Judge Schneider)
MELVIN DEMON GRIFFIN a.k.a. L.D.	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 13, 2009, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Maureen Smith.

On September 20, 2006, Defendant was sentenced by the Honorable Michael H. Schneider to fifty-seven (57) months' custody followed by three (3) years of supervised release for the offense of Conspiracy to Distribute or Dispense or Possess with Intent to Distribute or Dispense Cocaine Base and Marijuana. On November 28, 2008, Defendant completed his period of imprisonment and began service of his term of supervised release.

On July 2, 2009, the U.S. Pretrial Services Officer filed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated the following mandatory conditions: the defendant shall refrain from any unlawful use of a controlled substance and that the defendant shall submit to one drug test with fifteen days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the Court. The petition also alleged violations of the following standard condition: the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia

related to any controlled substances, except as prescribed by a physician. The petition also alleged violations of the following special condition: the defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Officer, until such time as the defendant is released from the program by the probation officer.

The petition alleges that Defendant committed the following acts: (1) defendant submitted urine specimens on February 10, 2009, April 6, 2009, April 15, 2009, June 8, 2009 and June 24, 2009, that tested positive for cocaine; and (2) that defendant failed to report as directed for drug testing on June 16, 2009.

Prior to the Government putting on its case, Defendant entered a plea of true to all of the violations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of fifteen (15) months. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit. After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant also waived his right to file objections.

SIGNED this 14th day of July, 2009.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE